




City Attorney's Office

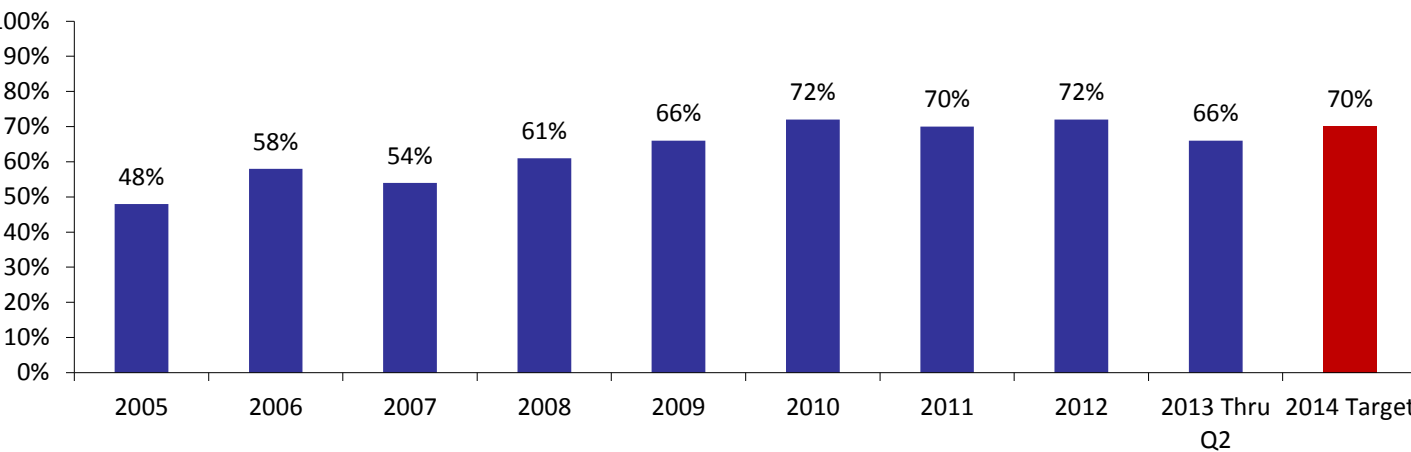
August 20, 2013

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City Attorney

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Conviction Rate on Domestic Violence Cases



Source: CAO

Why are these measures important?

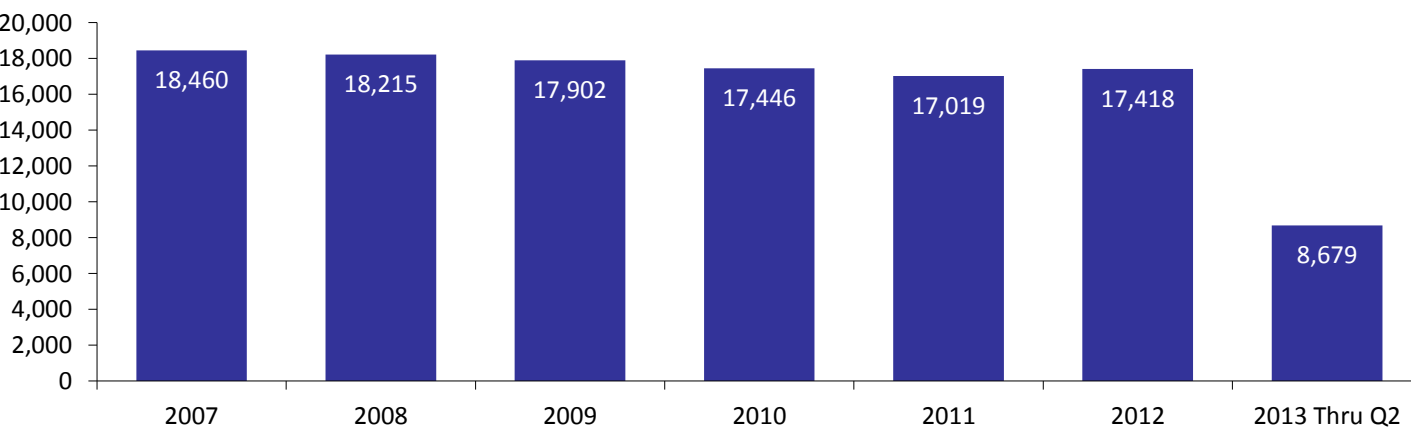
Effective intervention at the earlier stages of the cycle of domestic violence prevents more serious crimes and saves lives.

What will it take to make progress?

Maintain a specialized domestic violence team; continue to focus on improved evidence gathering and compliance with the MPD evidence gathering protocol; maintain and seek to expand domestic advocate and victim witness resources as well as train criminal justice staff and the community on domestic violence issues and related matters; maintain the probable cause felony enhancement list; and continue to seek appropriate sanctions for offenders and jail time for defendants who violate the conditions of their probation.

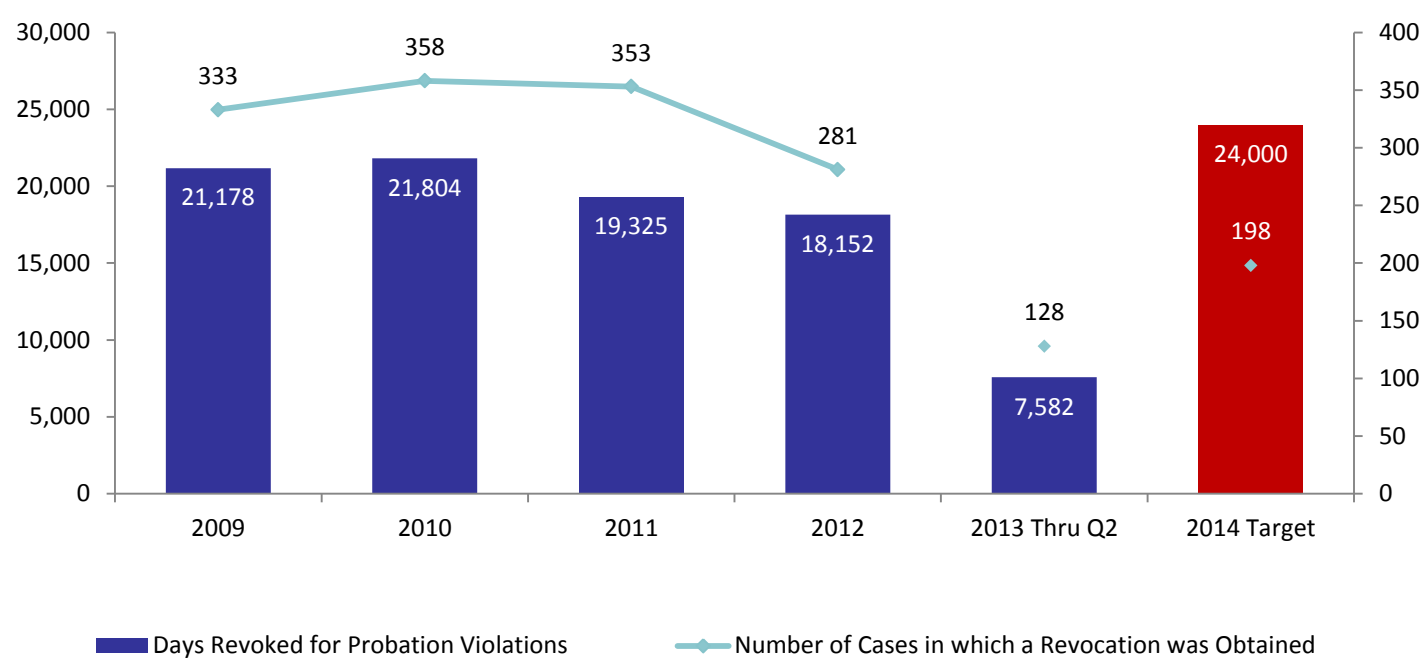
Since 2010, the CAO has maintained a conviction rate on domestic violence cases of 70 percent or higher. In comparison, in a 2011 report issued by the court monitoring organization, WATCH, the conviction rate on domestic violence cases for Hennepin County suburbs was 56 percent. Our mid-year 2013 conviction rate is lower than in previous years and we are working to determine the cause and whether any adjustments are needed. The CAO remains committed to prosecuting domestic violence offenders and continues to work with MPD and other community based and systemic partners to improve our response to domestic violence.

Domestic Violence Related Calls to 911



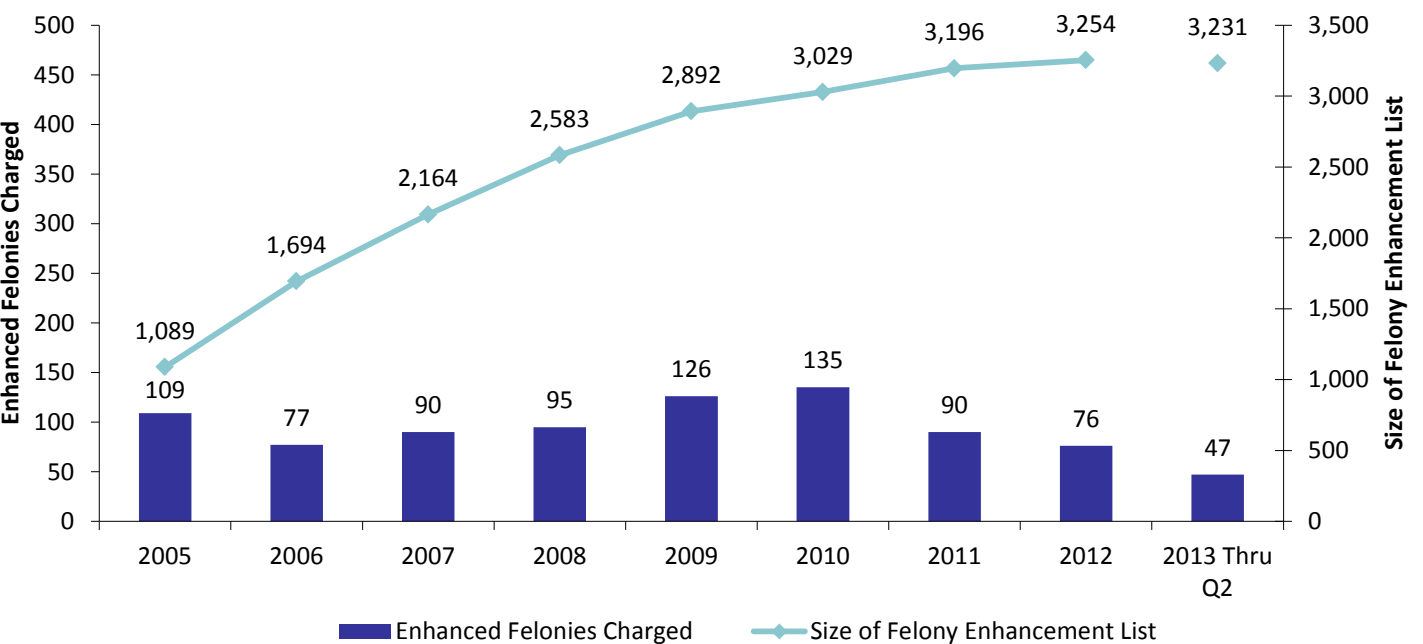
Source: MECC

Number of Revocations Obtained and Days Revoked for Probation Violations Following a Domestic Incident



Source: CAO

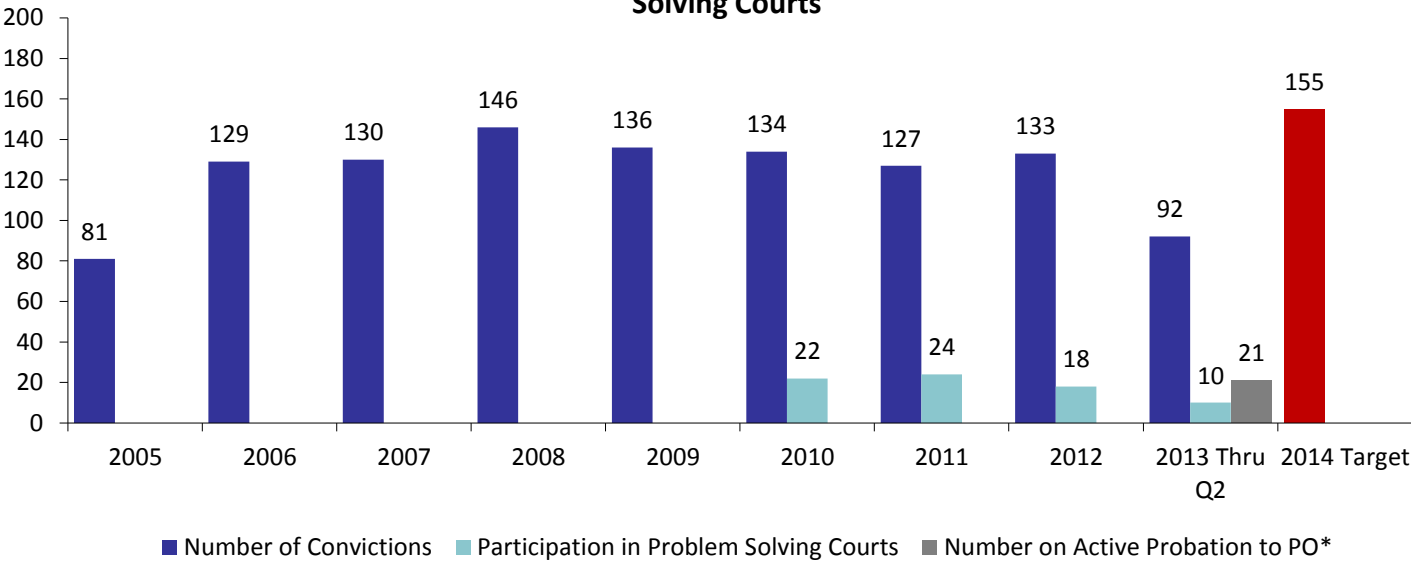
Enhanced Domestic Violence Felonies Charged by Hennepin County after Minneapolis City Attorney's Office Referral and Number of Individuals on Felony Enhancement List (cumulative)



Note: Since 2004, the CAO has had 949 felony level offenses charged by the Hennepin County Attorney's Office following a referral by the CAO for a case which was originally identified by MPD as a misdemeanor level offense.

Source: CAO

Number of "Top 200" Chronic Offenders Convicted and/or Participating in Problem Solving Courts



Note: Active probation to probation officer (PO) began in March of 2013.
Source: CAO

Why is this measure important?

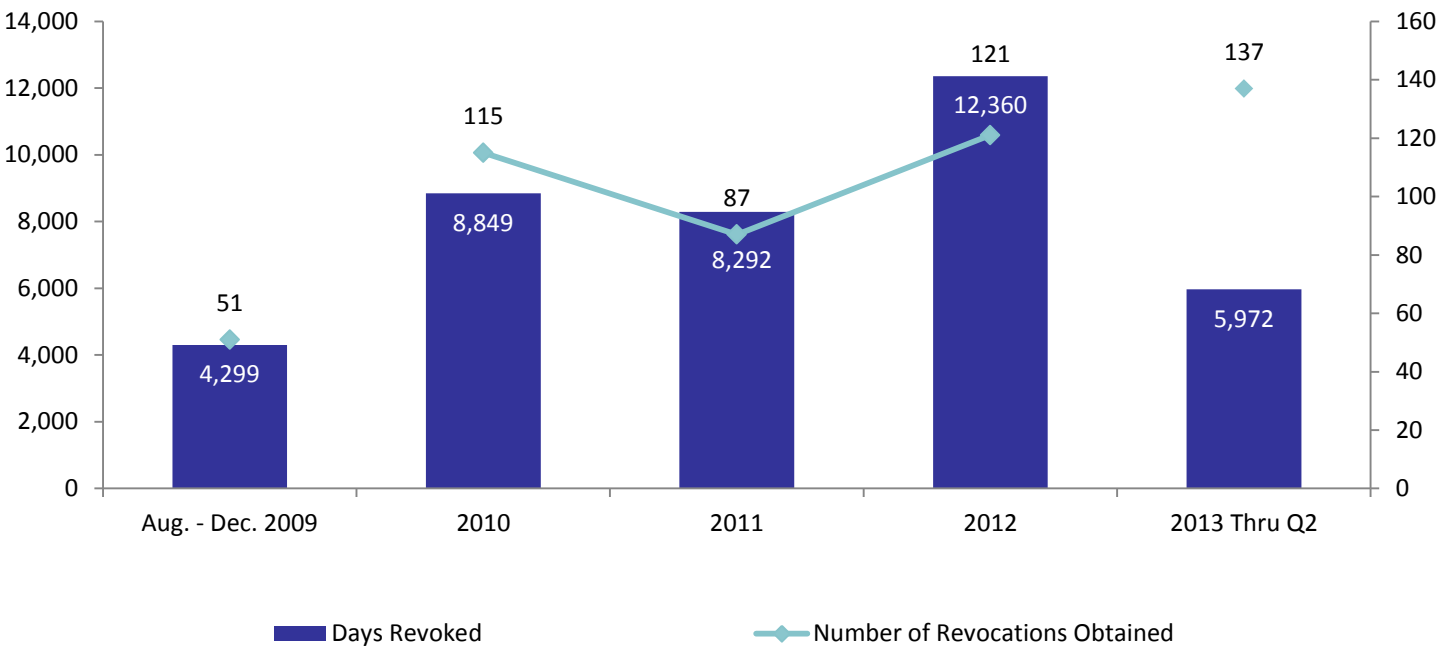
In general a livability offense is any low level offense that impacts the quality of life of those that live, work and play in the City. The “Top 200” chronic offenders commit a disproportionately high number of livability crimes in the City of Minneapolis. The “Top 200” list includes chronic offenders from all five police precincts in the City. The selection criteria include a review of criminal history focusing on the previous twelve months. Input from community court watch and public safety groups is also solicited. The list is continual with offenders being dropped and new ones added throughout the year.

What will it take to achieve the targets?

Continued coordination with the MPD and the community to identify chronic offenders; continuation of intensive CAO prosecution model to aggressively prosecute chronic offenders; continued engagement with our court watch and neighborhood groups to help achieve greater offender accountability; active supervision for eligible offenders using our new "Top 200" chronic offender probation officer; continued engagement by the CAO's community attorneys with neighborhood residents, businesses, service providers and community organizations; and continued expansion and use of prosecution tools, such as the trespass enhancement list, geographic restrictions and community impact statements.

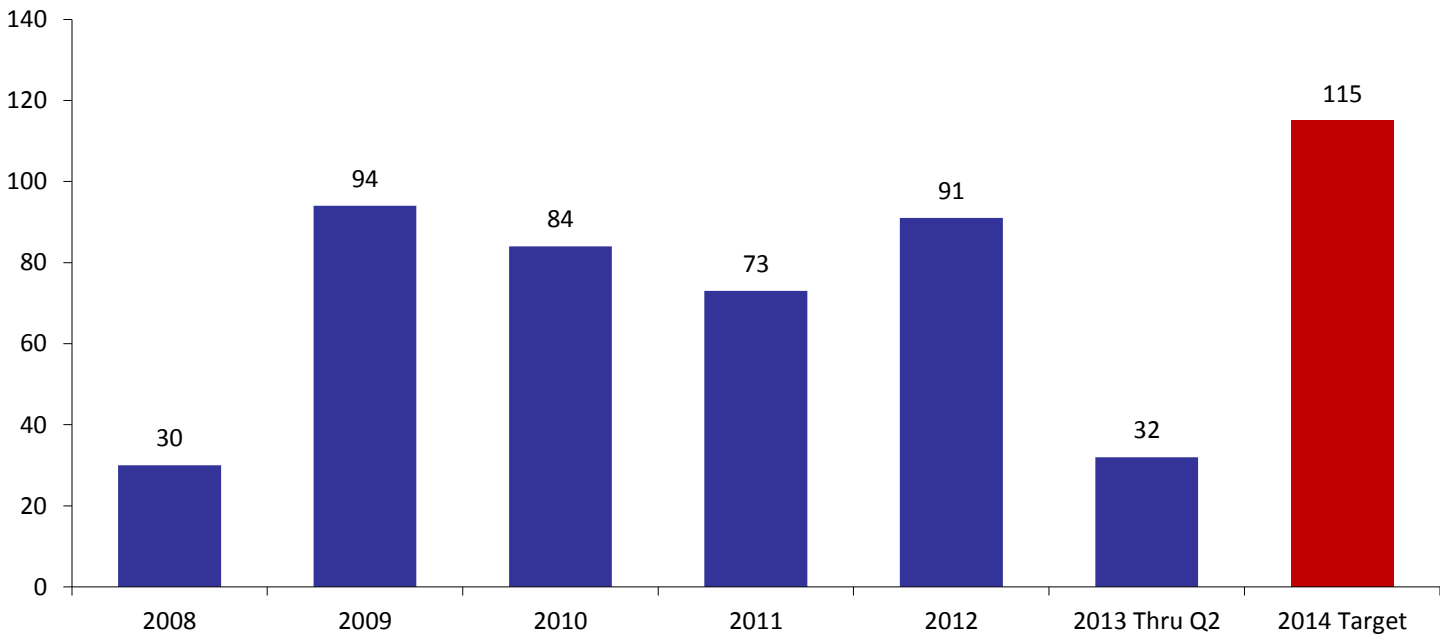
Through a negotiated cost-sharing agreement with Hennepin County, a pilot program was launched in March of 2013, to assign a full-time probation officer to actively supervise defendants on the "Top 200" list. Other than domestic violence defendants and certain problem solving court participants, active probation supervision was not available for our city-wide chronic offenders. We now have 21 of the "Top 200" chronic offenders assigned to this probation officer for active supervision as a condition of their probations. The probation officer is responsible for monitoring the defendant’s compliance with probation conditions, making court appearances when necessary and working with various agencies and service providers in the community to structure terms of probation to meet each defendant’s specific needs. Through July 2013, the "Top 200" probation officer has issued eleven arrest and detention orders for defendants who have failed to comply with the terms and conditions of probation.

Number of Revocations Obtained & Days Revoked for Probation Violations for CAO
"Top 200" Offenders



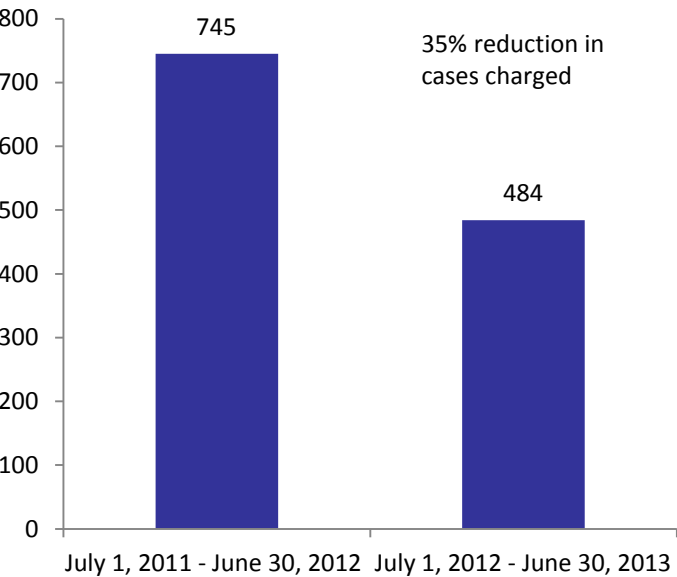
Source: CAO

Number of Geographic Restrictions Obtained for "Top 200" Chronic Offenders



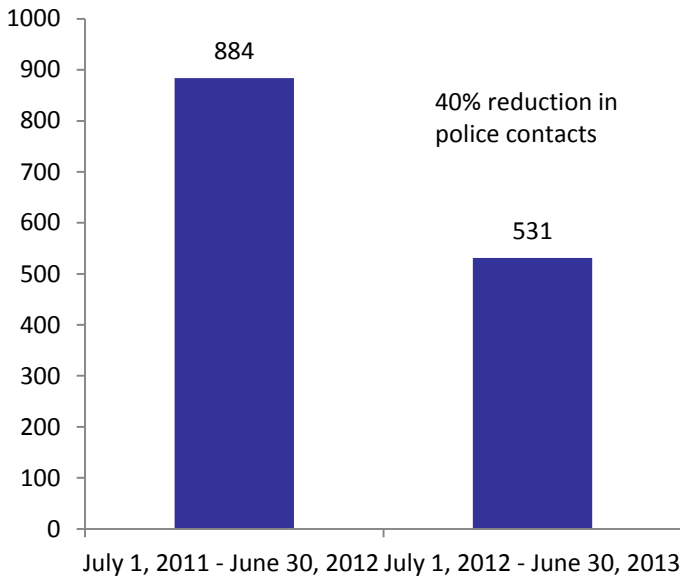
Source: CAO

Top Offender: Recidivism "Top 200" List as of 6/30/12
Number of Cases Charged
(n=164)



Source: CAO and Hennepin County District Court

Top Offender: Recidivism "Top 200" List as of 6/30/12
Number of Police Contacts
(n=164)



Source: CAO and MPD

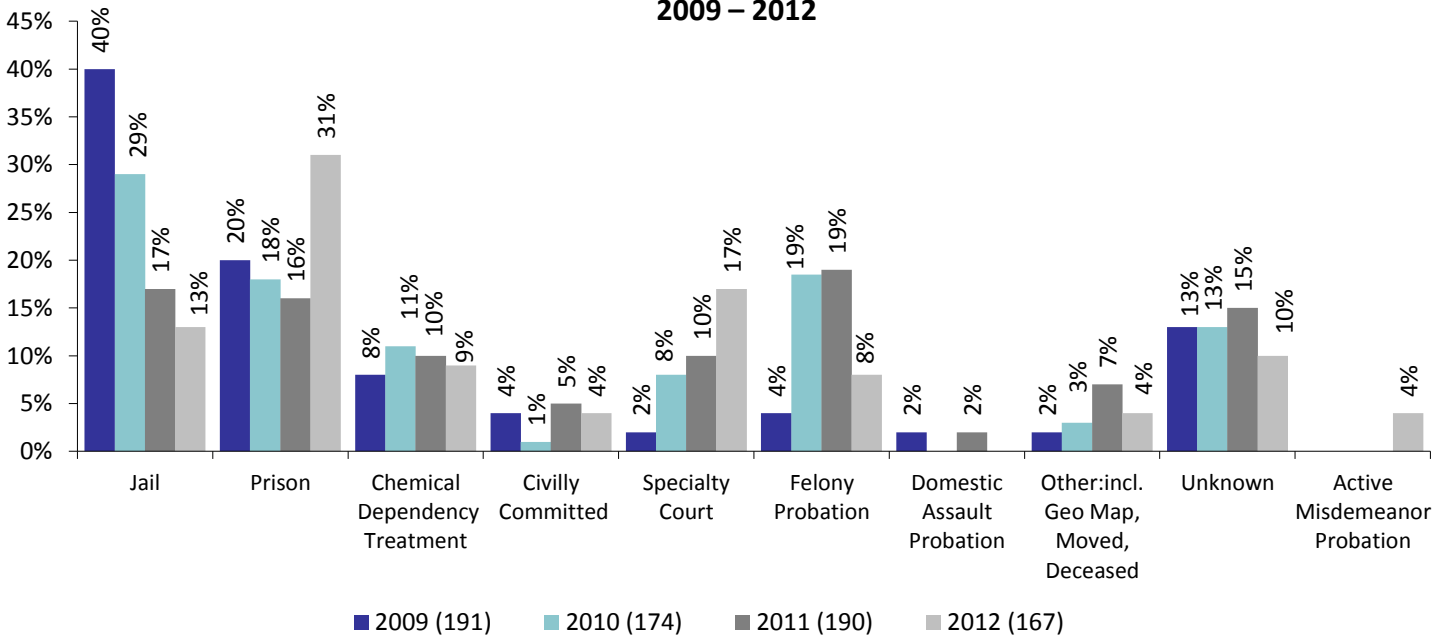
Why is this measure important?

This measure takes a snapshot of the offenders on the CAO “Top 200” Chronic Offender list and tracks the number of criminal charges and arrests in the twelve months before and the twelve months after. A reduction in the rate of new charges and arrests in the twelve months after offers a measure of the effectiveness of the top offender program. The “Top 200” are included on the list because of their repeat livability crime offenses. A significant reduction in numbers of new charges and arrests reduces the negative impact of these offenders on communities and saves law enforcement resources. Please note that the methodology for tracking recidivism for the “Top 200” list is different from the Downtown “100” list because the “Top 200” is a continuous list so that this chart reflects a snapshot on a particular date regardless of how long a period of time any given defendant was on the list. The Downtown “100” list is refreshed on a calendar year basis with recidivism tracked from January 1 to December 31 with all offenders having been on the list for a full year.

What will it take to achieve the targets?

Continuation of the Special Prosecution Team to focus on chronic offenders – to both aggressively prosecute new offenses as well as seek appropriate sanctions when offenders violate their probation; commitment from Hennepin County District Court to continue the community court calendar and the problem solving courts that aid our chronic offenders; continued partnership with other community resources such as St. Stephen’s and other chemical dependency and mental health treatment providers; and collaboration with the new “Top 200” probation officer to obtain active probation supervision of select chronic offenders.

Reasons for Recidivism Reduction for "Top 200"
2009 – 2012



Note: Data only updated annually. This data looks at only those offenders who have had a decrease in criminal activity.
Source: CAO and Hennepin County District Court

Why is this measure important?

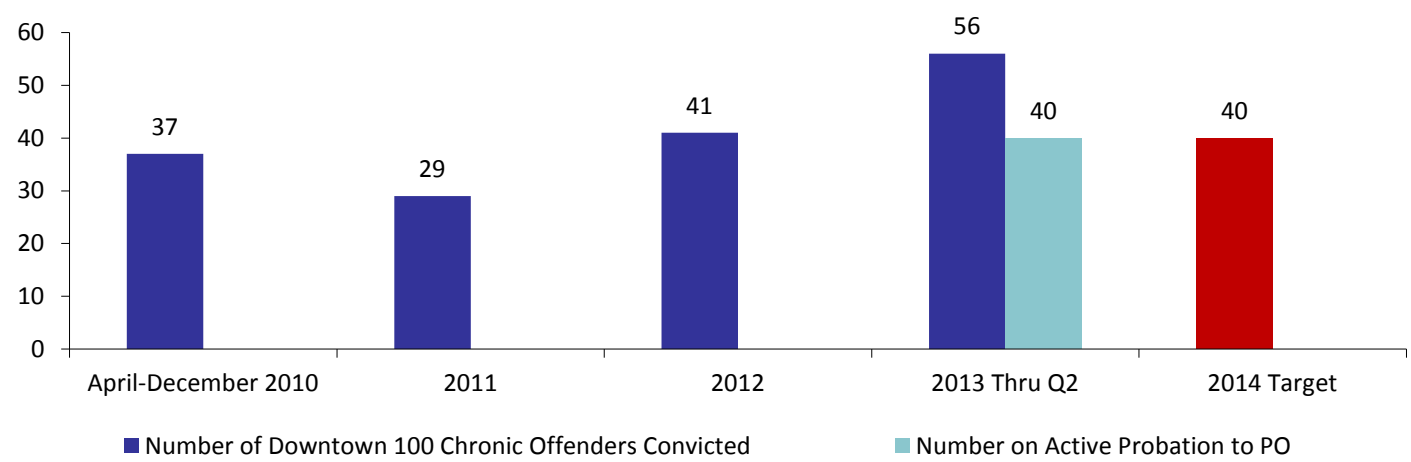
Recidivism is a measurement of the rate at which offenders commit crimes. The CAO started tracking the reasons for the reduction in recidivism among our chronic offenders in 2009. In 2009, the CAO reported that 119 of the 191 offenders measured reduced their recidivism (63 percent); in 2010, 99 of the 174 offenders measured reduced their recidivism (57 percent); in 2011, 96 of the 190 offenders measured reduced their recidivism (51 percent) ; and in 2012, 71 of the 167 offenders measure reduced their recidivism (43 percent).

As with the previous three years, the top reason for the reduction in recidivism by a chronic offender was that he or she was incarcerated in prison or local jail/workhouse. In 2012, the second leading reason was that the chronic offender was participating in a specialty court, with active supervision. We also saw that continued participation in programming, treatment or specialty courts helps to reduce recidivism among chronic offenders. Of our 167 chronic offenders, 56 offenders participated in chemical dependency treatment, 22 offenders received treatment for mental health issues and 14 offenders worked with St. Stephen’s to address housing needs. While incarceration is an effective tool, it is also quite costly. The CAO will continue to work with the new "Top 200" probation officer to utilize tools such as chemical dependency and mental health treatment and available housing services to reduce recidivism among these offenders in a more cost-effective way.

What will it take to make progress?

A continuation of the special prosecution program and the ability to revoke probation in appropriate circumstances; continued involvement of the "Top 200" Probation Officer; continued commitment to the use of specialty courts and other problem solving courts; the availability of community resources; and the availability of services to address mental health and chemical dependency needs.

Number of Downtown "100" & Focus 18-24 Chronic Offenders Convicted



Source: CAO and Hennepin County District Court

Why is this measure important?

The Downtown "100" is a unique partnership that capitalizes on existing assets in downtown. By working together in a collaborative environment the Downtown 100 allows social service agencies, police, prosecution, private entities and the targeted participants themselves to work together to create a safer, more inviting downtown. What is different about this program is that prosecutors and participants of the Downtown "100" are not focused on conviction rates or counting the number of days a defendant spent in jail. Instead, the program is focused on what avenues are available to reduce the recidivism of these chronic offenders downtown and in the business district. The Downtown "100" offenders are selected through a review of recent criminal history in the downtown core, the Downtown Improvement District (DID) geographic area. The list is refreshed in January of each year.

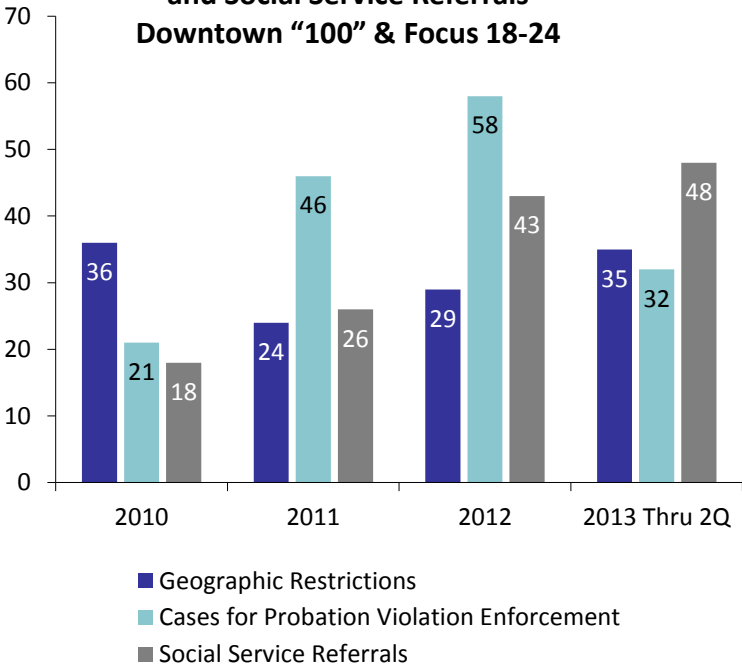
In 2013, the Downtown "100" program was expanded from 50 to 75 defendants. In addition, the CAO added a new pilot program called Focus 18-24. This new pilot program is focused on reducing the recidivism of a younger age group, using the same directed approach of seeking long-term solutions for chronic offenders. This new pilot program is especially important at this early age, because if we can have a positive effect now, there is the possibility of affecting a lifetime change for these offenders.

The Downtown "100" has achieved an average of 68 percent reduction in criminal recidivism for targeted offenders in the DID. Citywide the Downtown "100" has achieved an average of 62 percent reduction in criminal recidivism among targeted offenders, demonstrating that the program is not displacing crime to other neighborhoods outside of the downtown area, but achieves an overall reduction in offenses.

What will it take to achieve the target?

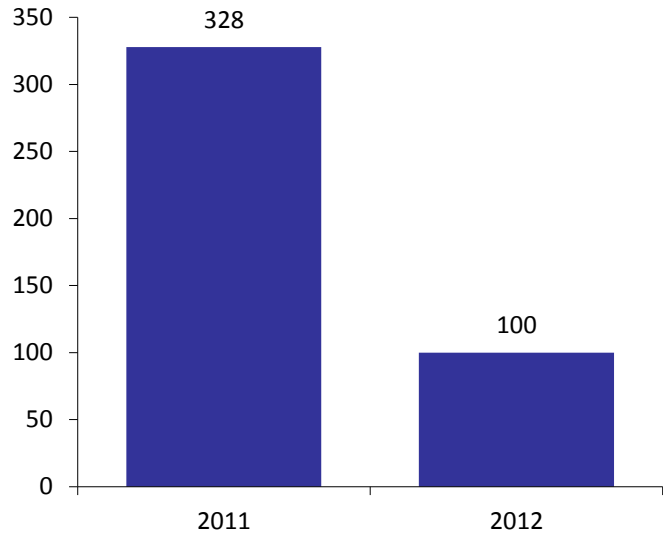
The continuation of the Downtown "100" Team to focus on chronic offenders in downtown Minneapolis includes aggressively prosecuting new offenses as well as seeking appropriate sanctions when offenders violate their probation; continuing involvement in problem solving courts that aid our Downtown "100" offenders; continued funding support from the DID for the Downtown "100" prosecutor and probation officer; and ongoing partnerships with other community resources such as DID, Downtown Safe Zone, St. Stephen's, The Link, Salvation Army, chemical dependency providers, mental health providers, housing providers and in the near future, employment partners.

**Geo Restrictions, Probation Enforcement and Social Service Referrals
Downtown "100" & Focus 18-24**



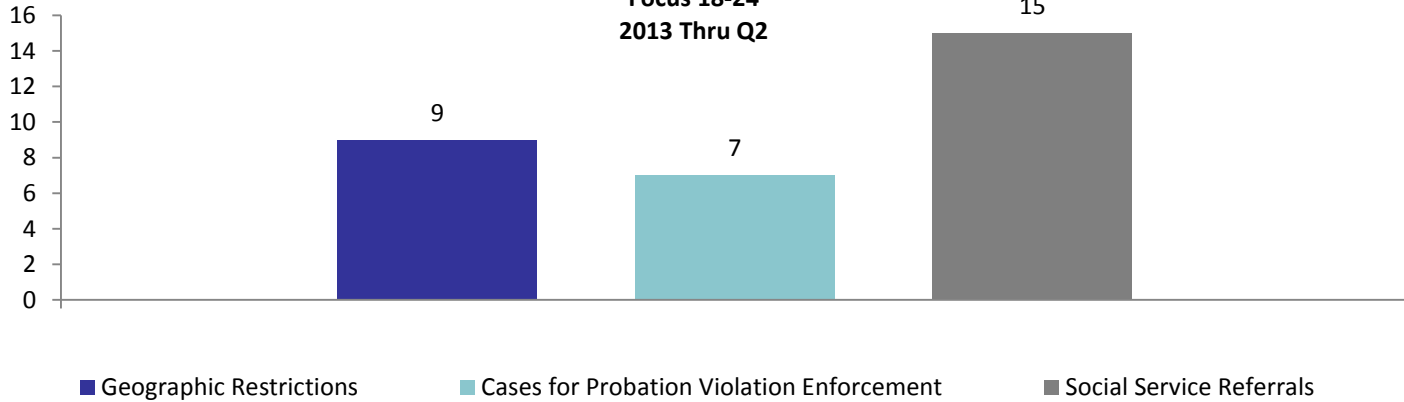
Downtown "100": Recidivism

70% Reduction in New Cases

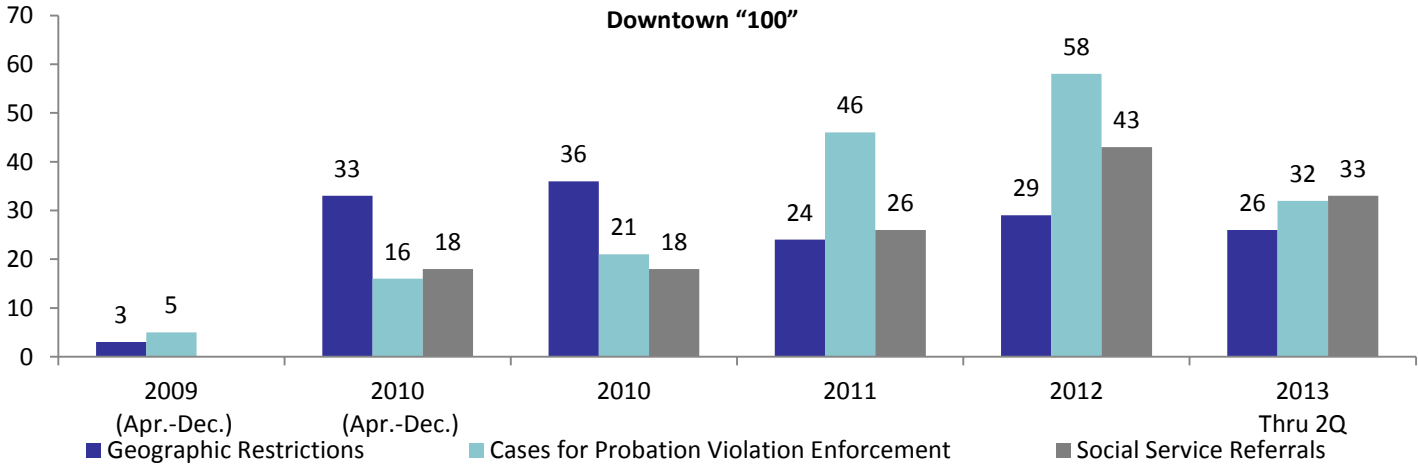


Note: This data is only updated once annually.
Source: CAO and Hennepin County District Court

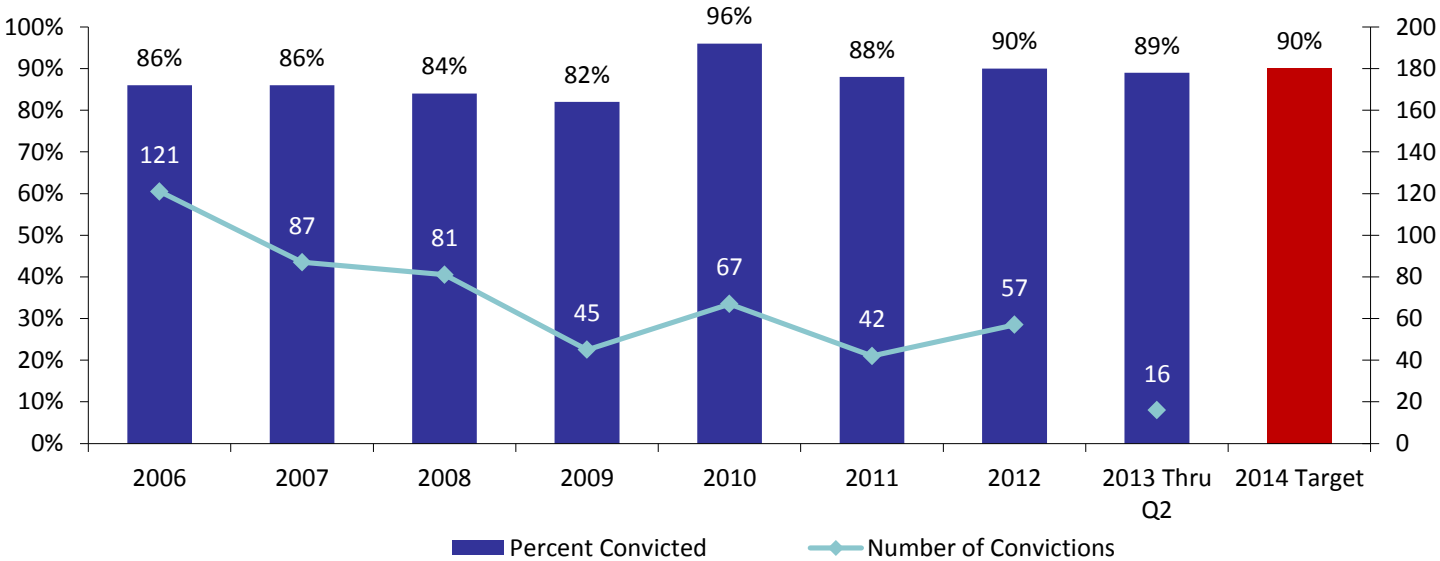
**Geo Restrictions, Probation Enforcement and Social Service Referrals
Focus 18-24
2013 Thru Q2**



**Geo Restrictions, Probation Enforcement and Social Service Referrals
Downtown "100"**



Gross Misdemeanor Weapons Cases Charged by the City Attorney’s Office that Result in Conviction



Notes:
1) In April 2009, the U.S. Supreme Court issued a decision that limited the ability of the police to search for weapons in vehicles incident to an arrest; this decision has resulted in lower numbers of cases referred for prosecution.
2) 2012 Data updated 8/13
Source: CAO

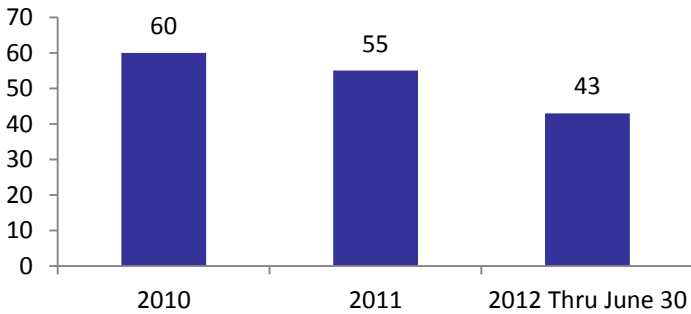
Why is this measure important?

Conviction of persons possessing guns reduces the number of weapons on the street, thereby increasing public safety.

What will it take to achieve the targets?

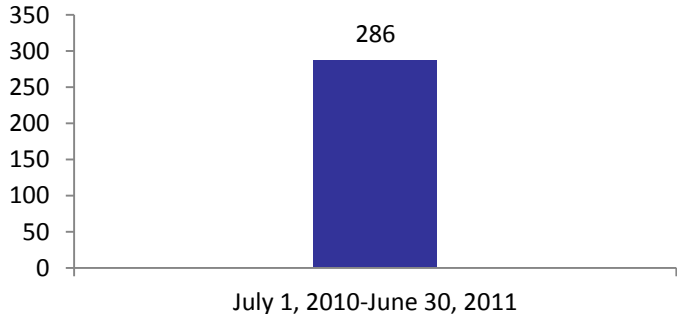
Success in prosecuting offenders charged with a gross misdemeanor weapons offense is dependent on a continued partnership with MPD to insure strong report writing and evidence gathering. The Special Prosecutions Team continues to prosecute all weapons cases handled by the CAO. This allows the CAO to continue to develop expertise on these issues and aggressively prosecute these offenders.

Gun Cases Prosecuted by the U.S. Attorney's Office



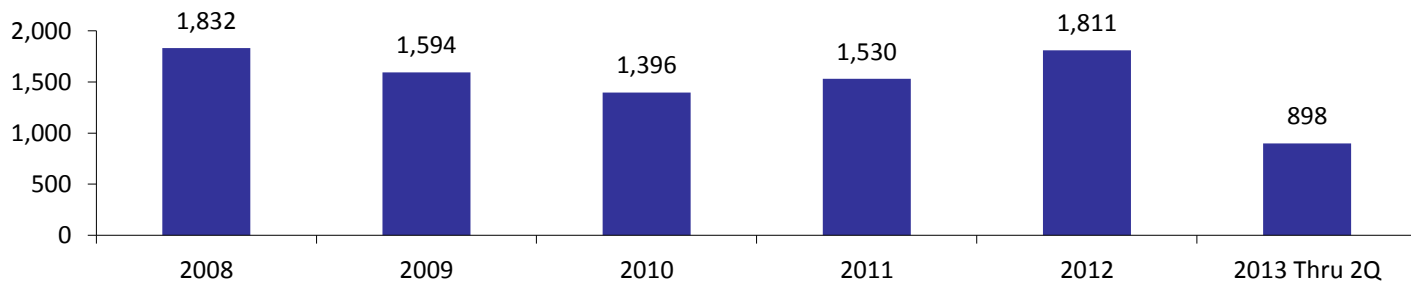
Note: 2012 end of year data and 2013 is not currently available.
Source: Hennepin County Attorney’s Office

Gun Cases Prosecuted by the Hennepin County Attorney's Office



Note: 2012 end of year data and 2013 is not currently available.
Source: Hennepin County Attorney’s Office

Driving under the Influence of Alcohol or Drugs: Cases Referred to the CAO



Source: CAO and Hennepin County District Court

Why is this measure important?

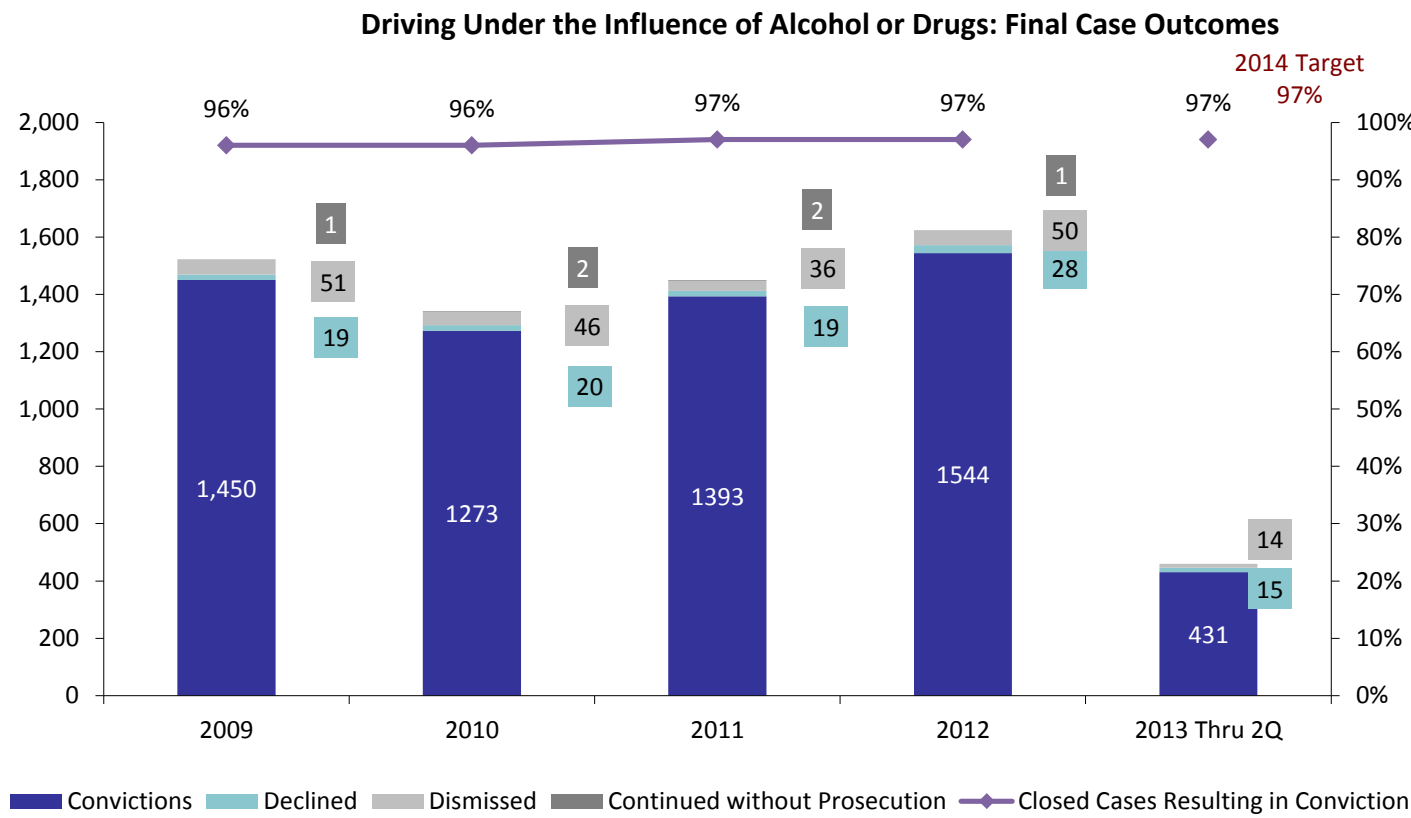
Driving under the influence of drugs or alcohol continues to create a major risk to public safety. In 2012 28,418 motorists were arrested for DWI, a three percent decrease from 2011 (20,257). In 2012 drunken driving crashes resulted in 104 deaths, down from 111 deaths in 2011. Between 2008 and 2012 there were 34,346 DWI arrests in Hennepin County alone. Hennepin County continues to be one of the top counties for DWI offenses. That is aggressively prosecuting drivers who are under the influence of drugs or alcohol continues to be one of the most important public safety functions of the CAO’s criminal division.

What will it take to achieve the targets?

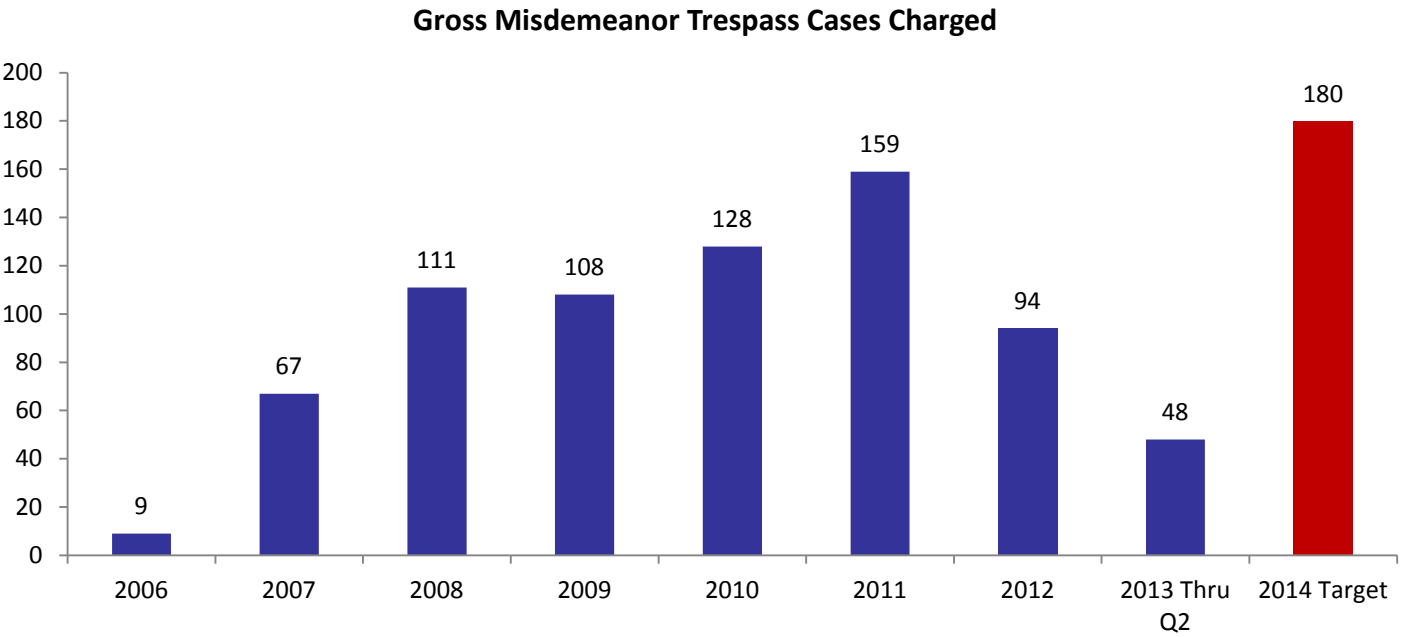
Maintaining a high conviction rate is important to the integrity of the deterrence scheme of our impaired driving laws. It is important to continue to monitor our case outcomes as well as track the number of cases presented by law enforcement and, of those cases, the number we have charged or declined. It is also important that our office continues to be aggressive in opposing new legal challenges brought by the defense bar, particularly recent challenges based on a recent U.S. Supreme Court decision dealing with search warrant requirements for blood tests.

Maintaining a high conviction rate is important to the integrity of the deterrence scheme of our impaired driving laws. It is important to continue to monitor our case outcomes as well as track the number of cases presented by law enforcement and, of those cases, the number we have charged or declined. It is also important that our office continues to be aggressive in opposing new legal challenges brought by the defense bar, particularly recent challenges to the testing methods. On February 8, 2012, the CAO received a favorable ruling from the Minnesota Supreme Court in a case challenging the methodology for urine testing of alcohol levels in DWI cases. Also, on June 27, 2012, the Minnesota Supreme Court affirmed a previous ruling by the Court of Appeals denying defense challenges to the accuracy of the source code data used to program the Intoxilyzer, an instrument used to test breath-alcohol levels in DWI cases. In 2012, the CAO handled 97 cases where there had been a Source Code challenge. Of those 97 cases, 69 cases were resolved.

Additional Data on Next Page...



Source: CAO and Hennepin County District Court



Source: CAO and Hennepin County District Court

Why is this measure important?

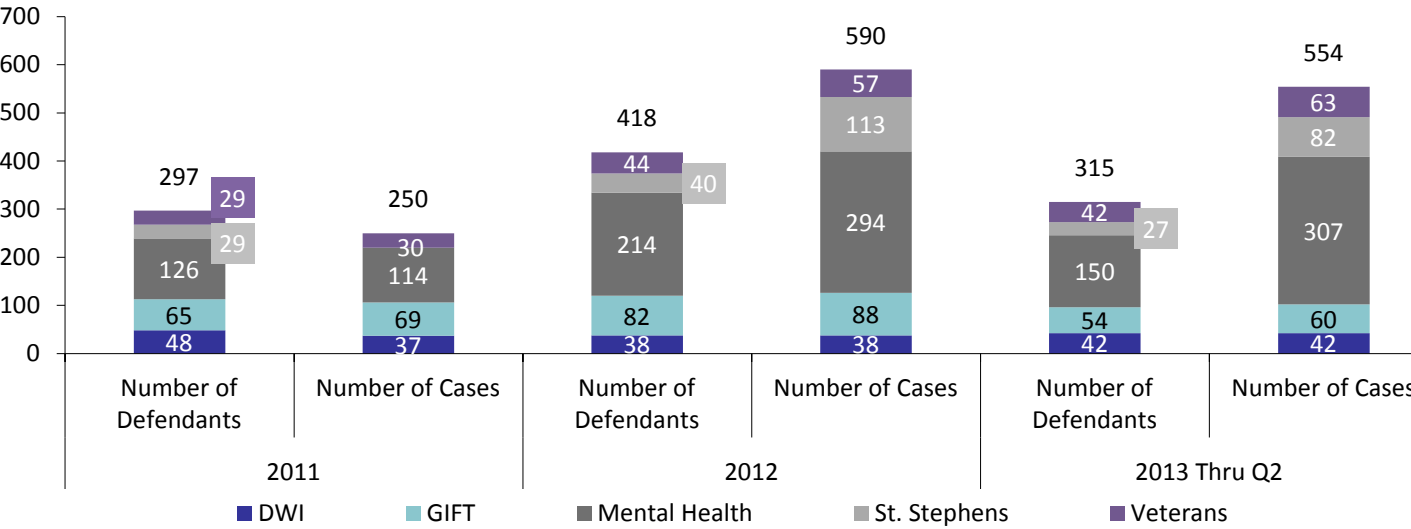
In August 2006, the trespass law was amended to allow prosecutors to enhance a misdemeanor trespass to a gross misdemeanor charge for repeat offenders. The CAO has made effective use of this statute, making sure that enhanced charges are brought for eligible offenses. The CAO maintains and provides to police a list of the repeat offenders who qualify for gross misdemeanor trespass enhancement.

Since 2012, the number of convictions for gross misdemeanor trespassing has been declining. One of the reasons for this decline is that many of the defendants charged with this crime are chronic offenders. This tool has allowed us to seek harsher sentences on these repeat trespass offenders, some serving anywhere from 180 days to one year in jail for this offense. Since many of our chronic trespassers are serving substantial jail time, they are not out picking up new offenses, thus reducing the number of convictions obtained by the CAO.

What will it take to achieve the targets?

To achieve our goals, the CAO continues to emphasize to prosecutors the importance of reviewing trespass cases prior to all proceedings for the possibility of enhancement. The CAO has also trained prosecutors to charge trespass offenses under the state statute instead of the Minneapolis ordinance when possible, as convictions under the ordinance may not be enhanced. Finally, our community attorneys continue to work with law enforcement agencies to remind officers to review the trespass enhancement list at the jail and place gross misdemeanor probable cause holds on those defendants whose trespass offenses are eligible for enhancement. All of these measures represent important steps towards achieving our goals in this area.

Minneapolis City Attorney's Office Participation in Problem Solving Courts



Source: CAO and Hennepin County District Court

Why is this measure important?

The MCAO is an active participant in Hennepin County’s problem solving courts including, DWI, GIFT (prostitution), Mental Health, St. Stephen’s (homelessness) and Veterans Courts. Problem solving courts offer increased resources and services to the defendants to better address the underlying behavior behind the criminal conduct and achieve longer term law abiding behavior.

What will it take to make progress in this area?

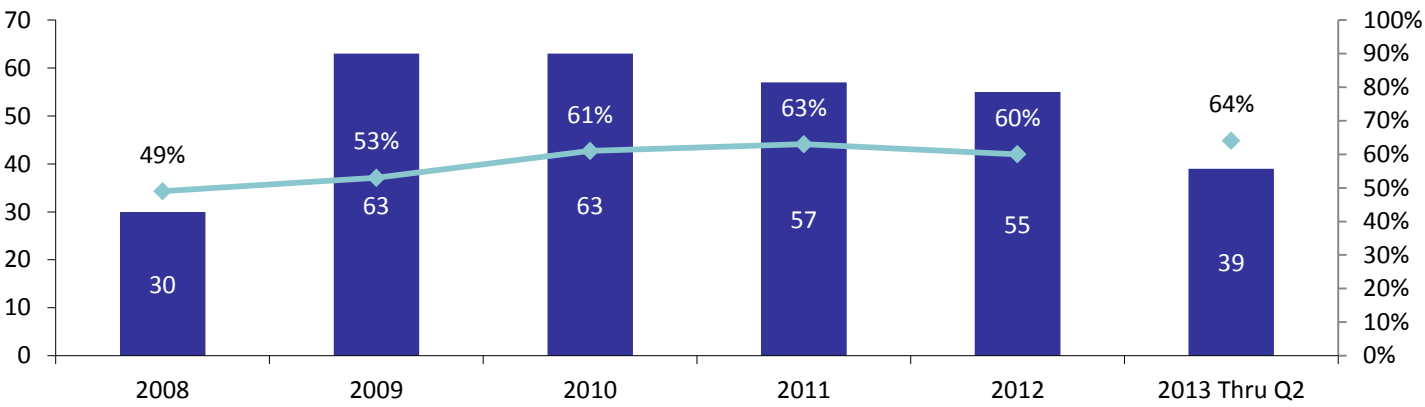
The CAO will need to proactively seek referral of all appropriate cases to the problem solving courts and continue to staff the problem solving court calendars. Adequate funding and staffing of the courts must be maintained and increased when needed to insure court capacity.

Driving Diversion Program

In 2011, the City of Minneapolis implemented a diversion program for individuals who had outstanding violations that resulted in suspension or revocation of their driver’s license. The program, referred to as the Driving Diversion Program (the “DDP”), provides a four hour course on self-development, financial management and life skills and helps the individual develop a payment program to become current with fines and fees. The program allows eligible individuals to obtain a valid license while they are participating in the program instead of having to wait until all fines and fees are paid. This program provides a better alternative and improves public safety by providing support for those individuals who want to be legal drivers so that they can escape the cycle of continuing citations and increasing debt owed for fines and fees. While participating in the program, individuals are allowed to obtain a valid license so that they can become legal drivers.

Since implementing the program in Minneapolis, 2,620 individuals with Minneapolis driving after revocation or driving after suspension cases have entered the program. Of those participants, 1,357 are active participants in good standing and 490 participants have fulfilled the full requirements of the program. We have had 773 participants fail to meet the requirements of the program. The City of Minneapolis has received \$154,000 in revenue from repaid citations. Hennepin County has received \$646,000 in revenue from repaid citations. Between 011 and 2013, the City of Minneapolis has received \$60,800 in participation fees.

Criminal Division:
Trials to Verdict & Conviction Rate at Trial



Source: CAO

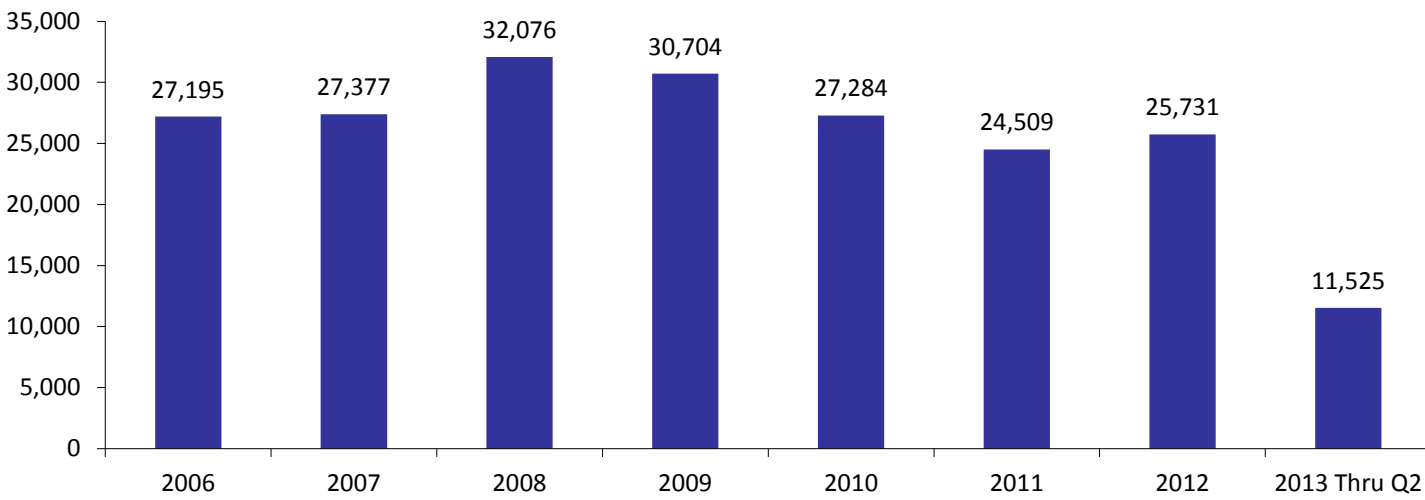
Why is this measure important?

This measure shows the number of cases taken to trial and the conviction rate at trial compared to prior years. The CAO is committed to aggressively prosecuting cases so that Minneapolis can truly be called a safe place to call home for both community members and victims who are impacted by crimes prosecuted by the CAO. With the CAO large caseload, it is important that defendants, defense attorneys, and the Courts see that CAO prosecutors are willing to try cases and are successful at trial.

What will it take to achieve the targets?

The CAO will continue to aggressively prosecute misdemeanors and gross misdemeanor crimes. The CAO will make sure prosecutors attend trial training seminars and conferences designed to improve their trial skills. The continued support of paralegals and victim/witness assistants in trial preparation and victim/witness contact is also key to maintaining the CAO’s ability to aggressively take cases to trial.

Criminal Division Caseload



Note: The ABA recommended caseload for an office of 20 prosecutors is 12,000
Source: CAO and Hennepin County District Court



Sex Trafficking

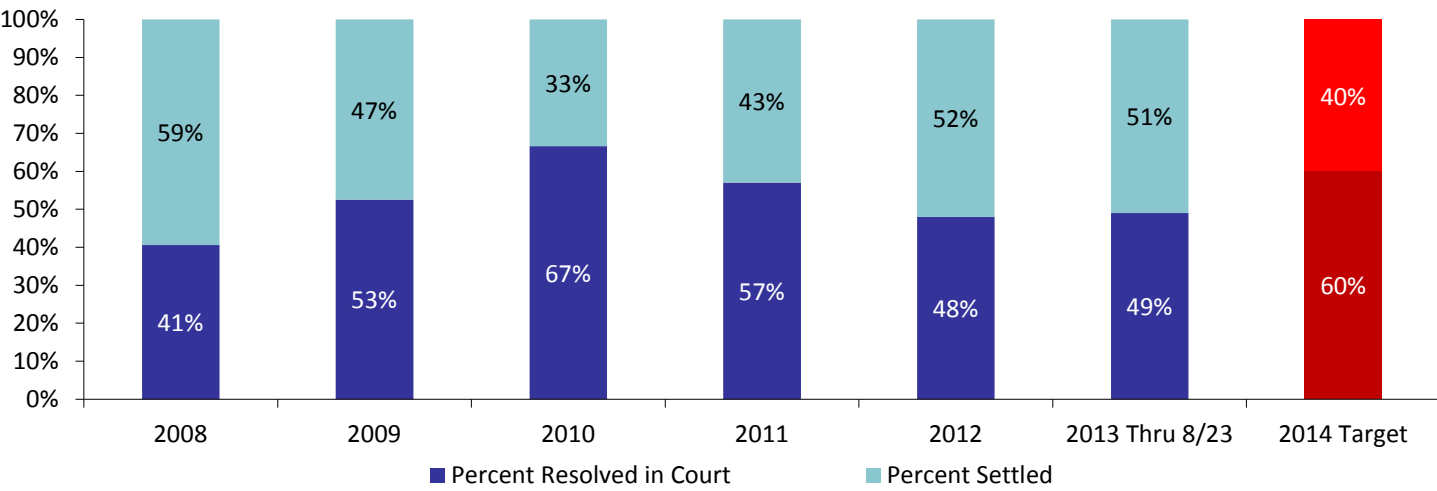
Why is this measure important?

The CAO is responsible for prosecuting prostituted adults and adults (“johns”) who solicit sex for money. While the CAO utilizes a treatment-oriented approach in dealing with prostituted adults, research shows that the average age when prostituted individuals have first traded sex was 13. A November 2010 study showed that each month in Minnesota, at least 213 girls are sold for sex an average of five times per day through the Internet and escort services, not including hotel, street or gang activity. Other research shows that runaway youth are at significant risk of being victims of sex trafficking, typically being approached by a trafficker within the first two days. Minneapolis as the biggest city in the state has an important role to play in preventing this crime, protecting and rescuing exploited youth and bringing traffickers to justice. This issue is important to the CAO because preventing sexual exploitation of children will help prevent these youth from becoming prostituted adults whose path to recovery is much more difficult.

What will it take to achieve the targets?

Through a multi-department staff work group, a work plan, measures and targets will be developed. Success in this area will require City leadership commitment of resources for law enforcement investigations, collaboration with other governmental and non-profit partners, effective outreach, housing, treatment and support options for victims and potential victims of juvenile sex trafficking, coordinated efforts of business licensing, among other measures.

Percent of Civil Court Cases Settled



Source: CAO

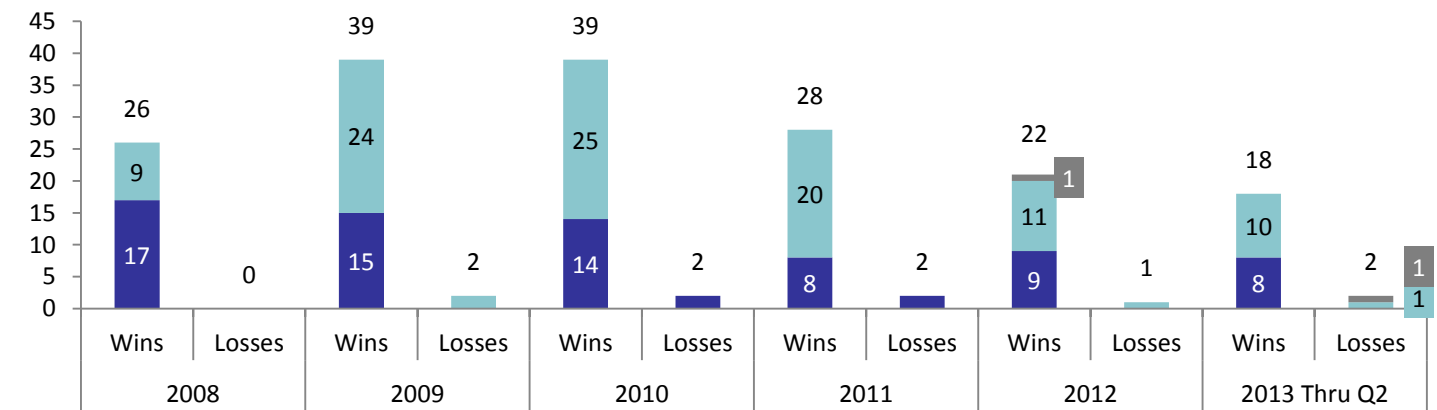
Why is this measure important?

This measure is one metric to measure the performance of the CAO in risk management of litigation matters. Too high a ratio of settlements to cases resolved in court would eventually lead to higher settlement numbers and a perception among the bar that the CAO is not able or willing to take matters through trial. This is an important measure to review periodically to assess performance of our litigation efforts.

What will it take to achieve this target?

Thorough case preparation, skilled litigation attorneys and staff and adequate staffing levels and resources are necessary to be able to seek successful resolutions in court versus settlement. Continued, systemic risk management efforts aimed at liability prevention are also important.

Civil Cases Resolved in Court (Not Settled) Wins and Losses



Note: US District Court Hennepin County District Court Minnesota Court of Appeals

2008: 6 cases taken through trial/20 cases resolved through summary judgments/dismissals

2009: 7 cases taken through trial/34 cases resolved through summary judgments/dismissals

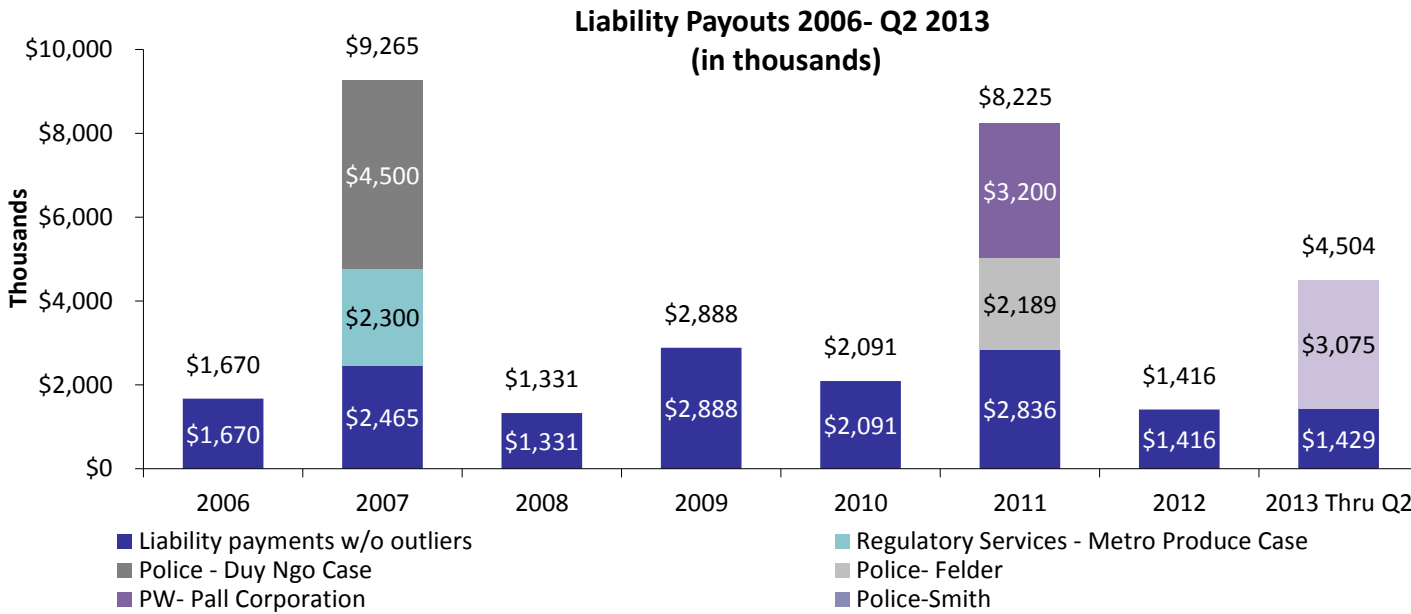
2010: 6 cases taken through trial/35 cases resolved through summary judgments/dismissals

2011: 8 cases taken through trial/22 cases resolved through summary judgments/dismissals

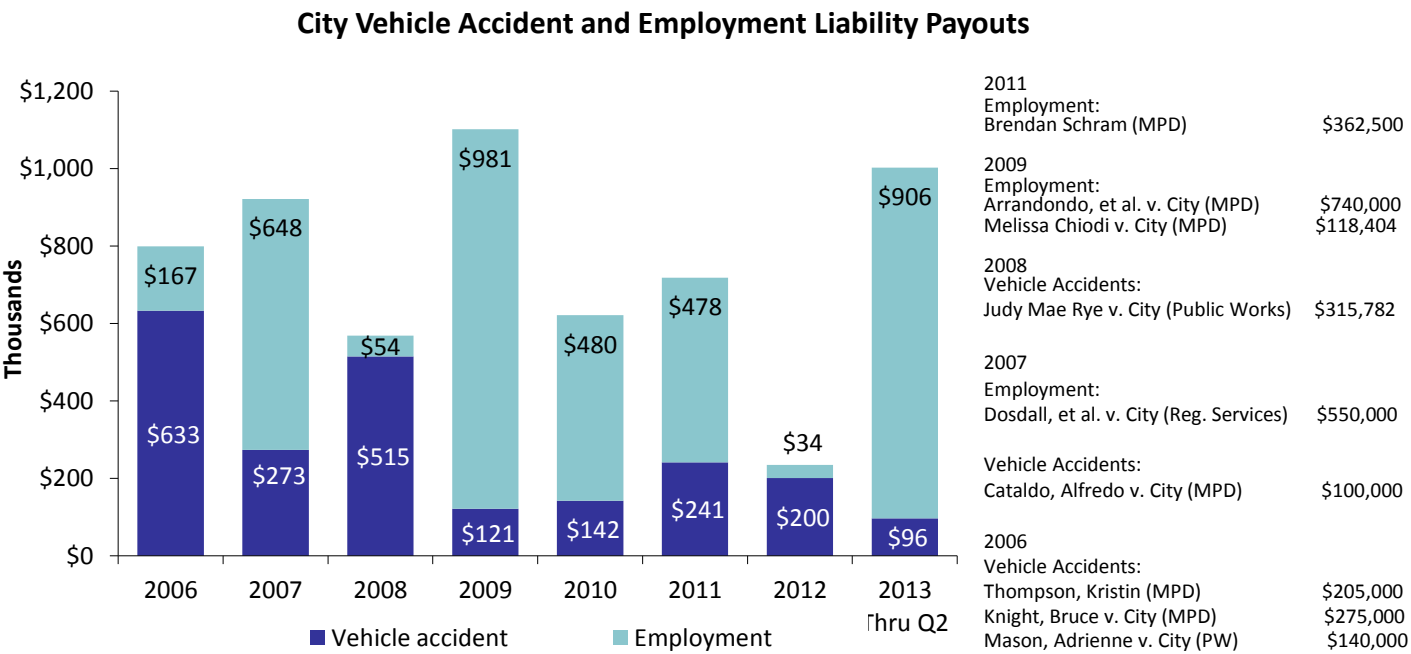
2012: 21 cases resolved through summary judgments/dismissals; 1 Court Verdict for Plaintiff

Source: CAO

Liability Payouts



Category	2006	2007	2008	2009	2010	2011	2012	2013 Thru Q2
Claim Settlements	\$0	\$0	\$0	\$830,753	\$178,603	\$363,565	\$273,730	\$79,555
Lawsuit Judgments for Plaintiff	\$3,500	\$0	\$22,291	\$3,075	\$700,161	\$2,485,619	\$5,181	\$11,448
Lawsuit Settlements	\$1,666,409 (Includes Claims)	\$9,265,492 (Includes Claims)	\$1,308,647 (Includes Claims)	\$2,049,317	\$1,211,885	\$5,376,000	\$1,194,783	\$4,412,641
Total Liability Payments	\$1,669,909	\$9,265,492	\$1,330,938	\$2,888,145	\$2,090,649	\$8,225,18	\$1,415,883	\$4,424,089



Liability Payouts by Department

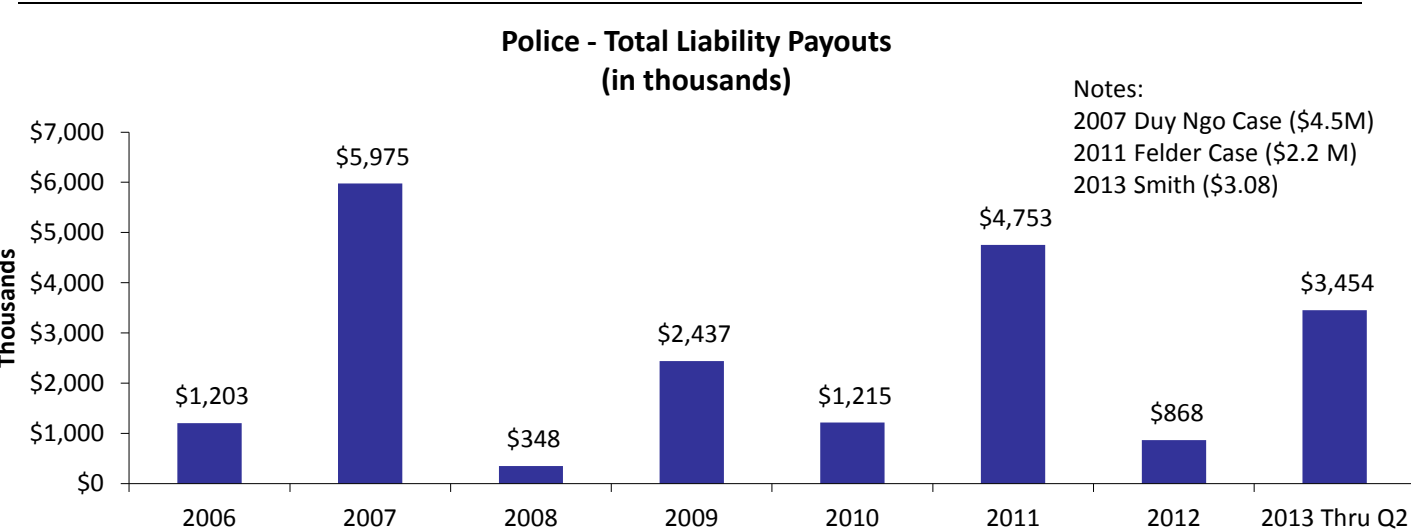
Why are these measures important?

This measure reflects the annual financial impact on the City from its risk generating activities performed in a manner that results in liability.

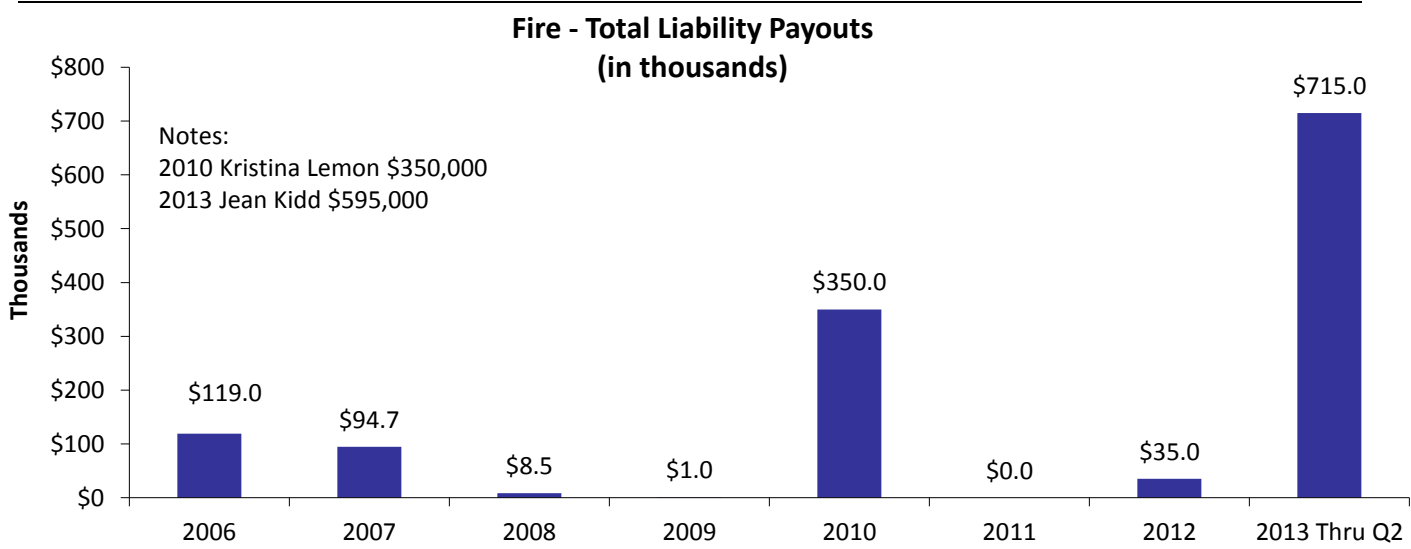
The number of new adverse lawsuits filed is another gauge of the City’s success in preventing liability exposure. While a significant majority of suits are resolved in the City’s favor with no financial exposure, the number of new adverse suits opened does provide a barometer for evaluating risk management activities. Please note, the data provided is by date of payout, not date of incident.

What will it take to achieve the targets?

Commitment from City officials, department heads and staff to identify and correct liability generating behavior by City officials, department heads and staff; proactive involvement by CAO to analyze trends and work with the City’s Risk Management Office and departments on solutions.



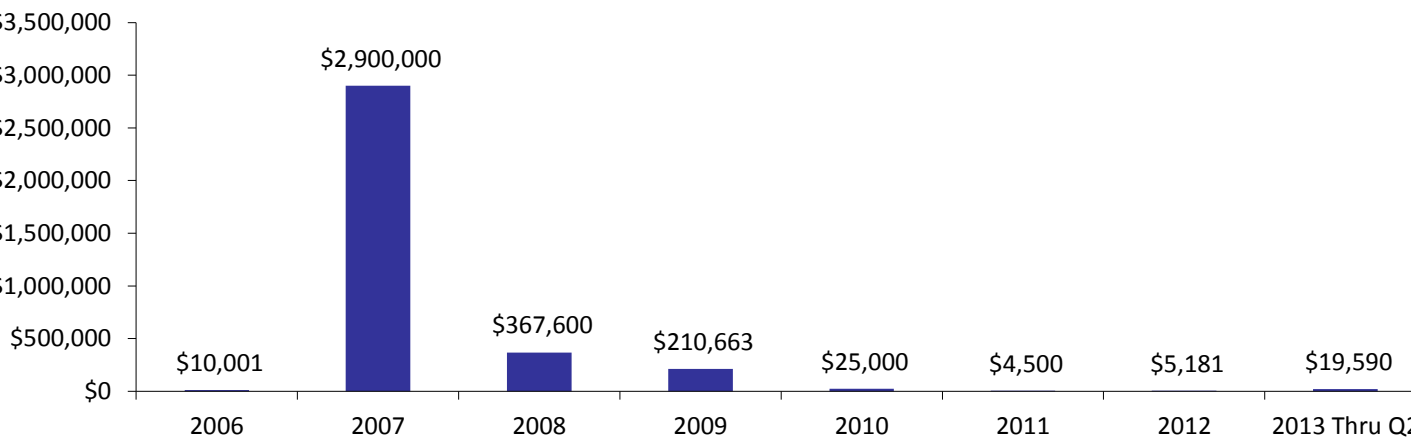
Source: Practice Manager



Source: Practice Manager

Additional Data on Next Page...

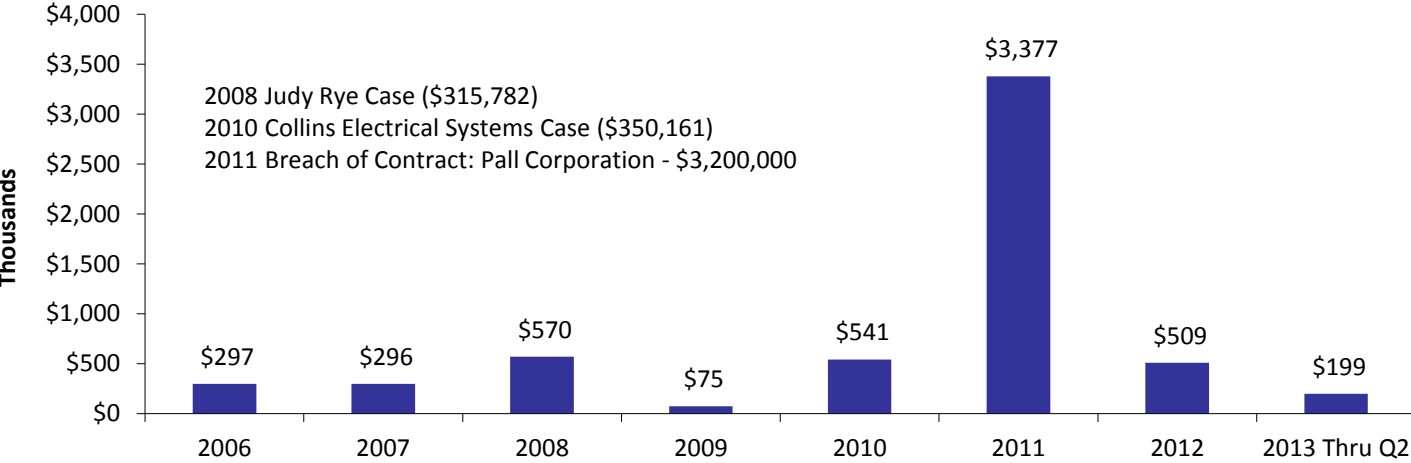
Regulatory Services - Total Liability Payouts



2007 Metro Produce Case (\$2.3M)

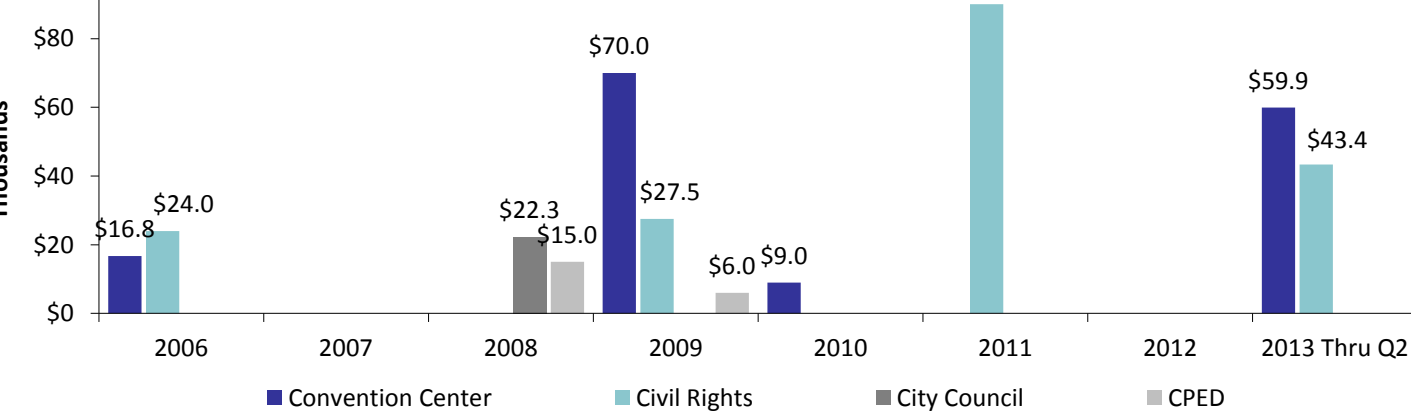
Source: Practice Manager

Public Works - Total Liability Payouts
(in thousands)



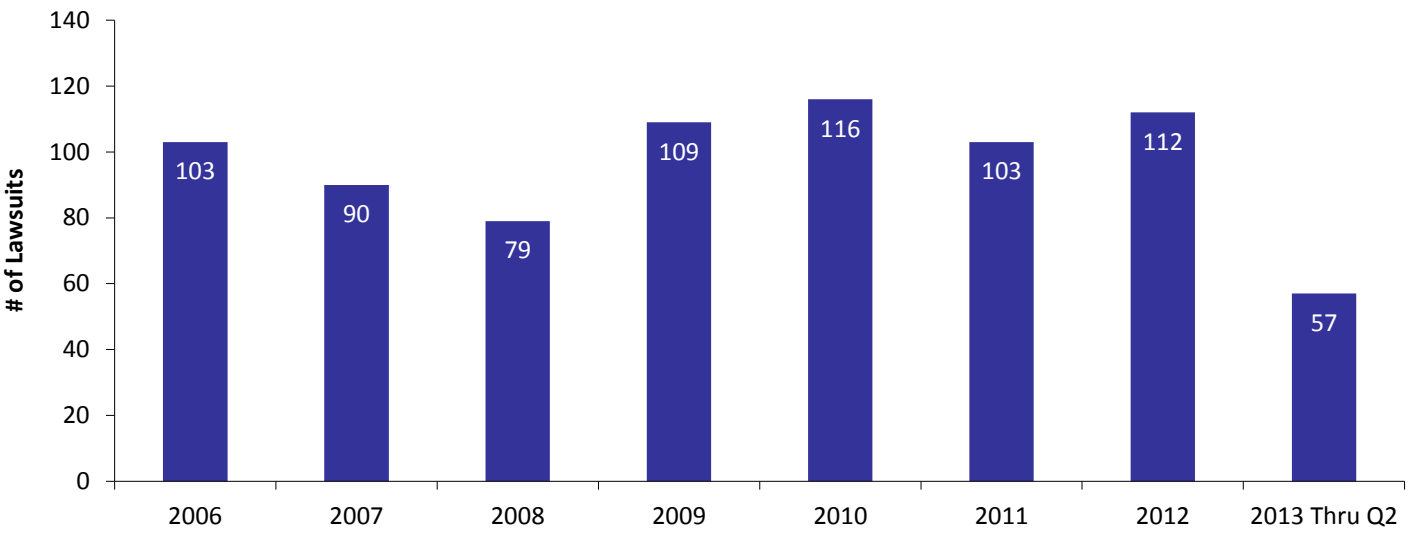
Source: Practice Manager

Liability Payouts Resulting From Certain of the City's Risk Generating Activities
(Other Departments)
(in thousands)



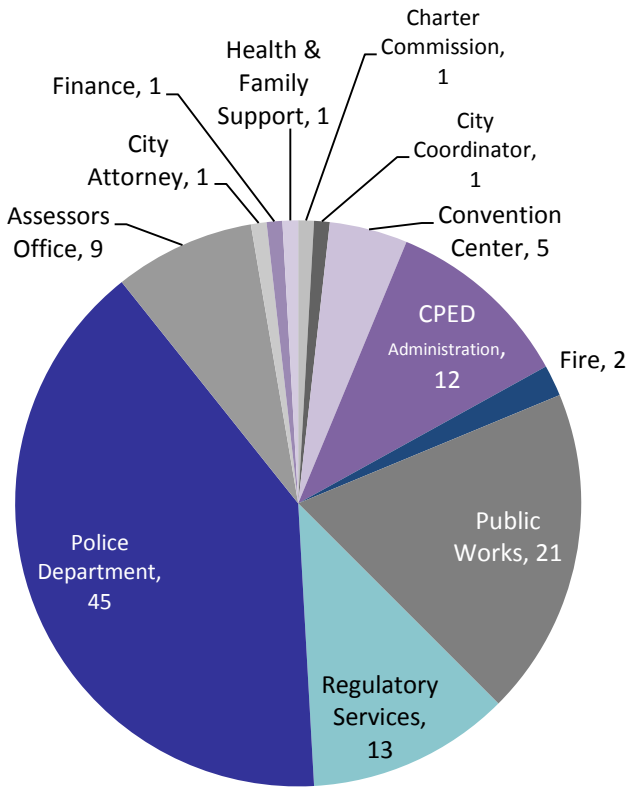
Source: Practice Manager

New Adverse Lawsuits Filed

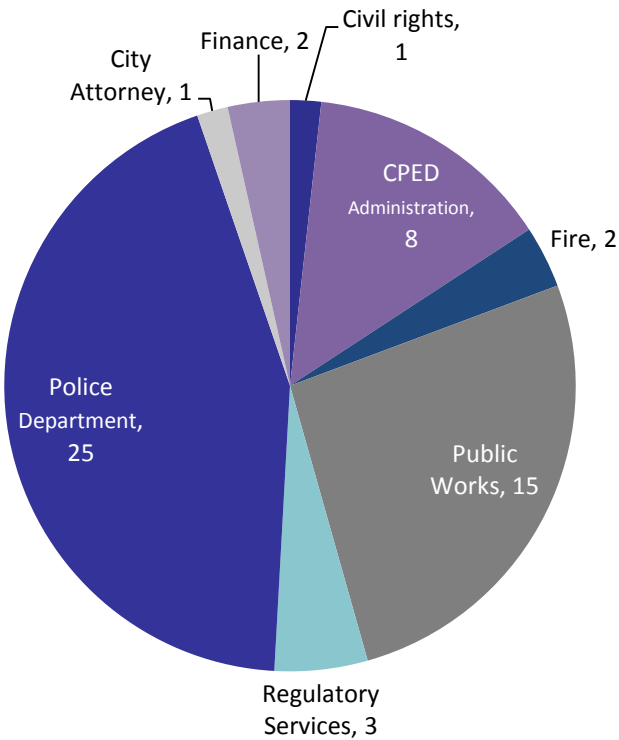


Source: Practice Manager

New Lawsuits by Department
2012



New Lawsuits by Department
2013 Thru Q2



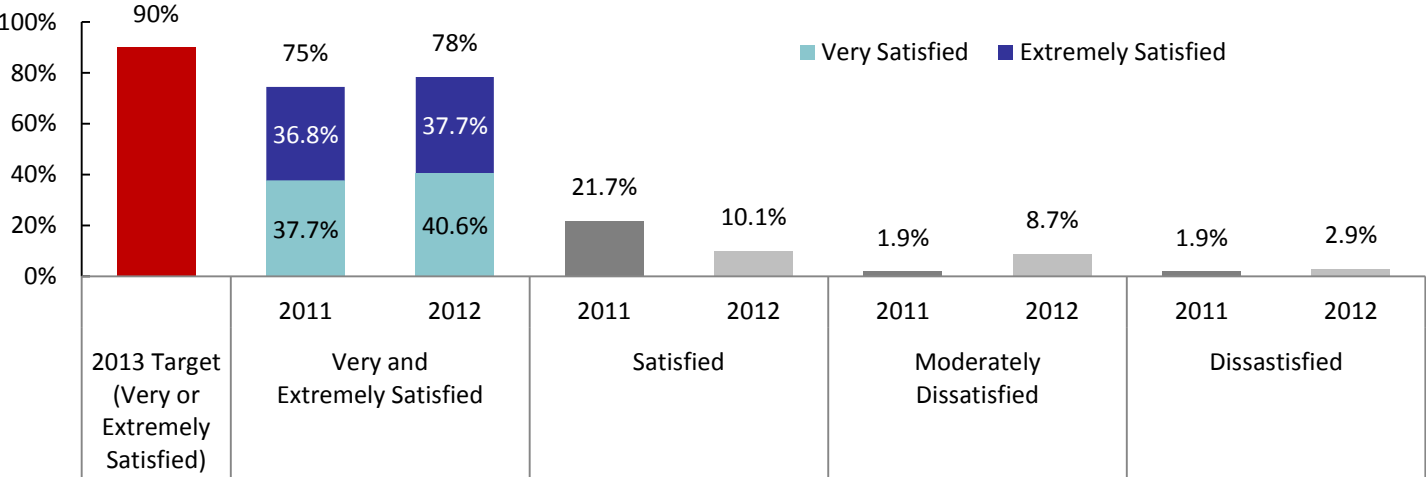
Note: A number of the suits, for example those involving CPED, are related to matters such as condemnation, property title clearance and the like, that are not necessarily reflective of any risk management concerns for the City.
Source: Practice Manager

Civil Division Survey Measures Comparison 2011 and 2012

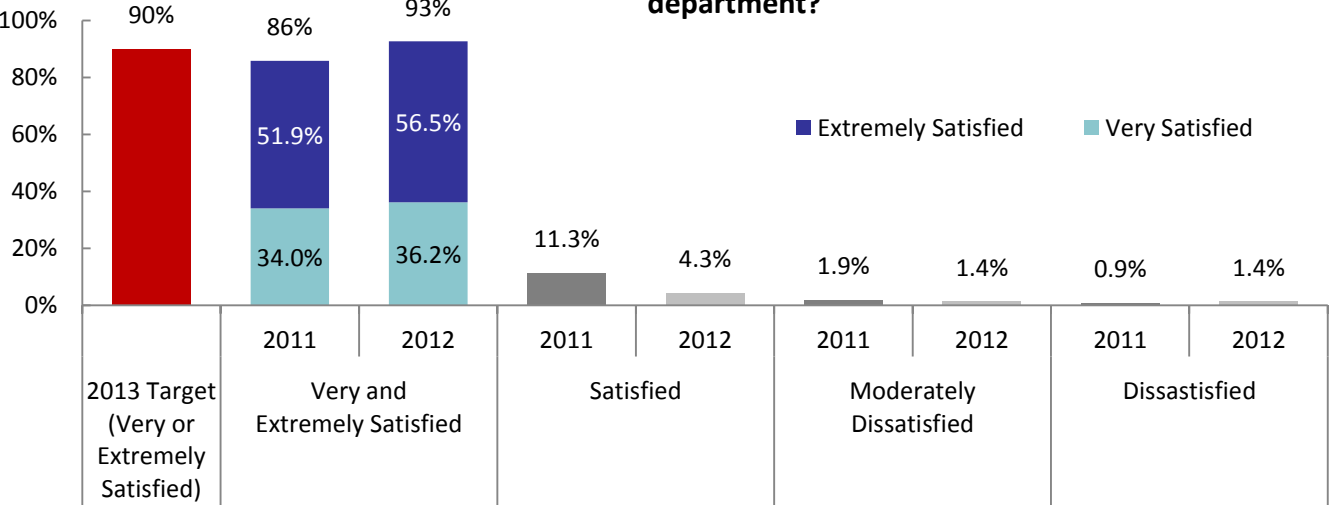
Do the Civil Division attorneys working with your department understand the work performed by your department and the surrounding legal and regulatory environment?



Is the legal work provided in a timely and responsive manner?



Are you satisfied with the skill level of the attorneys performing the work for your department?



Why are these measures important?

The CAO conducted a survey in December 2011 of eighteen City departments, with 114 responses from city management and director-level personnel. The Civil Division of the CAO is a service department for the City. Client confidence and satisfaction with the knowledge, skill and timeliness of CAO services is critical to our success.

What will it take to achieve the targets?

We will conduct the survey on an annual basis with individual department follow-up meetings. Achieving targets will require maintaining engaged, skilled attorneys and staff, adequate staffing levels, continuing skills training and education, regular communication with City clients and responsiveness to client complaints and concerns.